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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/966,906	09/27/2001	Steven Siong Cheak Mok	1085-035-PWH	5692
21034	7590	10/14/2003	EXAMINER	
IPSOLON LLP 805 SW BROADWAY, #2740 PORTLAND, OR 97205			JARRETT, RYAN A	
			ART UNIT	PAPER NUMBER
			2125	
			DATE MAILED: 10/14/2003	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/966,906

Applicant(s)

MOK ET AL.

Examiner

Ryan A. Jarrett

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 August 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10, 12-31 and 33-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12-31 and 33-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The newly claimed subject matter has been addressed below.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

3. Claims 1-10, 12-19, 21-31, 33-40, and 42-44 are rejected under 35 U.S.C. 102(e) as being anticipated by Wong U.S. Patent No. 6,115,690. Wong discloses a data processing system and method for managing an exchange between an entity specifying a manufacturing task and a plurality of manufacturing facilities that are part of the exchange, the data processing system comprising: certification means for certifying the capabilities of a further manufacturing facility that is not part of the exchange and for allowing the further manufacturing facility to join the exchange upon certification (e.g. col. 11 line 30 – col. 12 line 12) where the further manufacturing facility can assist with completion of the task in a manner that cannot be performed by the plurality of manufacturers that are part of the exchange (e.g. col. 19 lines 10-47); first processing means for determining parameters of the manufacturing task (col. 4 lines 36-37, col. 5

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lines 54-68, col. 12 lines 8-12, col. 12 lines 53-67, col. 13 lines 9-17); second processing means for calculating an estimated cost (col. 4 lines 26-29) of completing the manufacturing task and an estimated delivery schedule (col. 29 lines 1-5) for a product of the manufacturing task on the basis of the parameters of the manufacturing task; and third processing means for monitoring the progress of at least the specified manufacturing task (col. 16 lines 22-31); and a communications means for permitting restricted communication within the exchange between a customer and a manufacturing facility by monitoring those communications, and by encrypting the identities of the communicating customer and manufacturing facility (e.g. col. 13 lines 1-7);

comprising fourth processing means operable to monitor the capabilities and manufacturing schedules of at least some of the manufacturing facilities in real time (col. 17 lines 17-20);

comprising fifth processing means operable to provide on-line maintenance and support for the manufacturing task; wherein the on-line maintenance and support include at least one of: emergency support; technical support; training; supply of spare parts; supply of software; and correction of software (col. 6 lines 36-55, col. 14 lines 6-11, col. 15 lines 30-53, col. 28 lines 31-41);

comprising sixth processing means operable to generate output relating to the progress of the manufacturing task (col. 16 lines 22-31, col. 17 lines 17-20);

further comprising storage means for storing information relating to each of the manufacturing facilities; wherein the stored information relating to each of the

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manufacturing facilities includes past performance of the manufacturing facilities (col. 13 lines 18-21, col. 15 lines 14-29);

further comprising seventh processing means for receiving data specifying the manufacturing task from the entity and for analyzing the data to determine the parameters of the manufacturing task (col. 13 lines 22-35);

wherein the parameters include at least one of: a material from which an item is to be made; the dimensions of the item; the function of the item; identification of a component to be included in the item, identification of tools required to produce the item; insurance requirements; warehousing requirements; identification of an existing machine with which the item must operate; details of software that must be created or customized for use with the item; identification of spare parts to be manufactured for use with the item; details of on-line maintenance and support required for the item; identification of software to be used in the production of the item; and which of the manufacturing facilities may be used in production of the item (col. 13 lines 22-35, col. 28 lines 31-41);

wherein the exchange is managed between the entity specifying a manufacturing task, the plurality of manufacturing facilities, and at least one of: a supplier of materials; a supplier of machinery; a licensor of software; a provider of software; a supplier of spare parts; a supplier of warehousing facilities; a supplier of transport services; a supplier of banking services; and a supplier of insurance services (col. 5 lines 54-67, col. 31 lines 40-51);

further comprising ninth processing means for planning a set of manufacturing steps that are required to perform the manufacturing task (inherent in col. 4 line 36, col. 5 line 59, and col. 12 line 12);

further comprising tenth processing means for communicating with a selected supplier of materials and requesting the delivery of materials to a selected manufacturing facility (col. 5 lines 54-67, col. 12 line 12, col. 31 lines 40-51);

further comprising eleventh processing means for providing computer-aided design facilities, computer-aided manufacturing facilities or computer-aided engineering facilities to the entity to allow the entity to further specify the manufacturing task (col. 5 line 59 and col. 5 lines 64-67);

wherein the data processing system is located on a server connected to a network; wherein the data processing system communicates with the entity and with each of the manufacturing facilities over the network; wherein the network is the Internet (col. 4 lines 12-16);

wherein the first, second and third processing means are the same processing means (col. 5 lines 54-67);

comprising means to allocate manufacturing tasks specified by entities associated with each of the data processing systems to manufacturing facilities associated with others of the data processing systems (col. 4 lines 36-37, col. 5 lines 54-68, col. 12 lines 8-12, col. 12 lines 53-67, col. 13 lines 9-17);

wherein the allocation of manufacturing tasks among the manufacturing facilities associated with others of the data processing systems is based upon parameters of the manufacturing task (col. 13 lines 9-59);

including RFQ distribution means for entertaining request for quotations (RFQ's) in the exchange for a predetermined period of time in at least three different time zones (e.g. col. 12 line 53 – col. 13 line 21, col. 14 lines 16-52, col. 31 lines 40-51).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 20 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wong as applied to claims 19 and 40 above, and further in view of Wiesehuegel et al. U.S. Patent Application Publication No. 2002/0065760 A1. Wong does not specifically disclose that the allocation of manufacturing tasks among the manufacturing facilities associated with others of the data processing systems is based upon the geographical location of the manufacturing facilities. However, Wiesehuegel et al. discloses a virtual design module wherein the allocation of manufacturing tasks among manufacturing facilities is based upon the geographical location of the manufacturing facilities (paragraphs [0019] and [0022]). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Wong with Wiesehuegel et al. since Wiesehuegel et al. teaches that a particular broker may only

have rights to purchase products or services in a given geographical zone because of regulatory or export controls.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan A. Jarrett whose telephone number is (703) 308-4739. The examiner can normally be reached on 9:30-6:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard can be reached on (703) 308-0538. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

raj
October 6, 2003

A handwritten signature in black ink, appearing to read "L. P. Picard", written in a cursive style.

**LEO PICARD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100**